## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at GREENEVILLE

KENNETH RAY DAVIS, <i>Pro Se,</i>	)
Plaintiff,	)
v.	) Case No. 2:08-cv-218
MICHAEL J. ASTRUE, Commissioner of Social Security,	) ) Judge Mattice ) )
Defendant.	)

## ORDER

United States Magistrate Judge William B. Mitchell Carter filed his report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b) on August 4, 2009 [Court Doc. 15]. Neither party filed objections within the given 10 days.

After reviewing the record, the Court agrees with Magistrate Judge Carter's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b).

Accordingly, the Court **ORDERS** that Defendant's Motion for Summary Judgment [Court Doc. 11] is **DENIED AS MOOT**.

A separate judgment will enter.

**SO ORDERED** this 26<sup>th</sup> day of August, 2009.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE